

§ 126.05 Designated waterfront facility.

(a) Designated waterfront facility. The term *designated waterfront facility* means a waterfront facility designated by § 126.13 for the handling and storage of, and for vessel loading and discharging of: any hazardous material subject to the Dangerous Cargoes Regulations in 46 CFR part 148; and any hazardous material subject to the Hazardous Materials Regulations (49 CFR parts 170–179), except for those materials preceded by an “A” in the Hazardous Materials Table, in 49 CFR 172.101 and for those materials carried as bulk liquids.

(b) *Facility of particular hazard* means a designated waterfront facility that is authorized to handle a cargo of particular hazard, as defined in § 126.10.

[CGD 78–023, 44 FR 4642, Jan. 22, 1979, as amended by CGD 75–238, 44 FR 63675, Nov. 5, 1979; CGD 75–238, 45 FR 57393, Aug. 28, 1980; CGD 78–038, 53 FR 3376, Feb. 7, 1988; CGD 86–034, 55 FR 36252, Sept. 4, 1990; CGD 92–050, 59 FR 39965, Aug. 5, 1994; CGD 88–049, 60 FR 39794, Aug. 3, 1995]

§ 126.07 Dangerous cargo.

The term *dangerous cargo* means all explosives and other hazardous materials or cargo covered by—

(a) Dangerous Cargoes, 46 CFR part 148; or

(b) Hazardous Materials, 49 CFR parts 170–179, except for those materials preceded by an “A” in the hazardous Materials Table, 49 CFR 172.101.

[CGD 78–023, 44 FR 4643, Jan. 22, 1979, as amended by CGD 86–034, 55 FR 36252, Sept. 4, 1990; CGD 92–050, 59 FR 39965, Aug. 5, 1994]

§ 126.09 Designated dangerous cargo.

The term *designated dangerous cargo* means Division 1.1 and 1.2 explosives, as defined in 49 CFR 173.50.

[CGD 92–050, 59 FR 39965, Aug. 5, 1994]

§ 126.10 Cargo of particular hazard.

Cargo of particular hazard means any of the following:

(a) Division 1.1 or 1.2 explosives, as defined in 49 CFR 173.50.

(b) Oxidizing material or blasting agent for which a permit is required under 49 CFR 176.415.

(c) Highway route controlled quantity radioactive material, as defined in

49 CFR 173.403(1), or Fissile Class III shipments of fissile radioactive material, as defined in 49 CFR 173.455(a)(3).

[CGD 75–238, 45 FR 57394, Aug. 28, 1980, as amended by CGD 84–039, 50 FR 8613, Mar. 4, 1985; CGD 78–038, 53 FR 3376, Feb. 7, 1988; CGD 86–034, 55 FR 36252, Sept. 4, 1990; CGD 92–050, 59 FR 39965, Aug. 5, 1994; CGD 88–049, 60 FR 39794, Aug. 3, 1995]

§ 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§ 126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78–023, 44 FR 4643, Jan. 22, 1979]

§ 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in § 126.15, unless waived under provisions of § 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

[CGFR 57–52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78–023, 44 FR 4643, Jan. 22, 1979]